GSA's

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NEPA Call-In is GSA's National Environmental Policy Act (NEPA) information clearinghouse and research service.

NEPA Call-In is designed to meet the NEPA compliance needs of GSA's realty professionals.

Environmental Regulatory Digest Launched

In response to a request from GSA regional staff for a review and summary of new and proposed environmental regulations, NEPA Call-In has launched the "Environmental Regulatory Digest" (ERD). The ERD is a bi-monthly publication distributed via e-mail to interested GSA staff. Two issues of the ERD have been prepared, dated February 1998 and April 1998. Each issue of the ERD contains a brief summary of environmentally related regulations and notices of interest to GSA. To find out more about an item summarized in an ERD, detailed descriptions, links to proposed and final rules, and other additional information, visit the NEPA Call-In Environmental Resource Library at http://www.gsa.gov/pbs/pt/call-in/erl.htm or contact NEPA Call-In at (202) 208-6228.

Integrating Pollution Prevention Into the NEPA Process

The National Environmental Policy Act (NEPA) requires GSA to evaluate all actions for their potential to affect the human environment. Simultaneously, Executive Order (EO) 12856 requires all Federal agencies, including GSA, to comply with the Pollution Prevention Act of 1990 (PL 101-508), and to develop and meet specific pollution prevention goals for the reduction of releases and off-site transfers of hazardous substances. The Pollution Prevention Act (PPA) states it is "the national policy of the United States that pollution should be prevented or reduced at the source whenever feasible." If a waste cannot be prevented, the PPA states that it should be recycled in an environmentally safe manner, whenever feasible; waste that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; disposal or other release into the environment should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

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What is Pollution Prevention (P2)?

Pollution prevention, often referred to as "P2," seeks to reduce the amount and/or toxicity of pollutants. P2 can be a more cost-effective means of controlling pollution than direct regulation. Many strategies have been developed and used to reduce pollution and protect resources. P2 includes, but is not limited to, reducing or eliminating hazardous or other polluting inputs; modifying manufacturing, maintenance, or other industrial practices; modifying product designs; recycling (especially in-process, closed-loop recycling); preventing the disposal and transfer of pollution from one media to another; and increasing energy efficiency and conservation. For example, florescent light tubes and high intensity discharge (HID) lamps contain small amounts of mercury. Using lamps that contain very low levels of mercury and/or recycling the used lamps are examples of pollution prevention.

P2 and NEPA

In January 1993, the President's Council on Environmental Quality (CEQ) published a Federal Register Notice (58 FR 6478) providing guidance to Federal agencies on incorporating P2 into the NEPA process. The CEQ guidance does not represent any new legal requirements and does not require any changes to any existing agency environmental regulations, but "encourages all federal agencies to incorporate pollution prevention principles, techniques, and mechanisms into their planning and decisionmaking processes and to evaluate and report those efforts, as appropriate, in documents prepared pursuant to NEPA." The guidance further states: "agencies should take every opportunity to include pollution prevention considerations in the early planning and decisionmaking processes for their actions, and, where appropriate, should document those considerations in any EISs or environmental assessments (EAs) prepared for those actions."

The text box, "Incorporating Pollution Prevention Into NEPA Documents," discusses specific examples of how to integrate P2 into the NEPA process.

NEPA Call-In has also prepared a factsheet on integrating pollution prevention into the NEPA process. For a copy of the factsheet or the CEQ guidance, visit the Environmental Resource Library on the NEPA Call-In web page at www.gsa.gov/pbs/pt/call-in/nepa.htm or contact NEPA Call-In at 202-208-6228.

Incorporating Pollution Prevention Into NEPA Documents

NEPA and the CEQ regulations establish a mechanism for building environmental considerations into federal decisionmaking. Specifically, the regulations require federal agencies to "integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts." See 40 CFR § 1501.2. This mechanism can be used to incorporate pollution prevention in the early planning stages of a proposal. In addition, prior to preparation of an EIS, the federal agency proposing the action is required to conduct a scoping process during which the public and other federal agencies are able to participate in discussions concerning the scope of issues to be addressed in the EIS. See 40 CFR § 1501.7. Including pollution prevention as an issue in the scoping process would encourage those outside the federal agency to provide insights into pollution prevention technologies which might be available for use in connection with the proposal or its possible alternatives. Pollution prevention should also be an important component of mitigation of the adverse impacts of a federal action. To the extent practicable, pollution prevention considerations should be included in the proposed action and in the reasonable alternatives to the proposal, and should be addressed in the environmental consequences section of the EIS. See 40 CFR §§ 1502.14(f), 1502.16(h), and 1508.20. Finally, when an agency reaches a decision on an action for which an EIS was completed, a public record of decision must be prepared which provides information on the alternatives considered and the factors weighed in the decision making process. Specifically, the agency must state whether all practicable means to avoid or minimize environmental harm were adopted, and if not, why they were not. A monitoring and enforcement program must be adopted if appropriate for mitigation. See 40 CFR § 1505.2(c). These requirements for the record of decision and for monitoring and enforcement could be an effective means to inform the public of the extent to which pollution prevention is included in a decision and to outline how pollution prevention measures will be implemented. A discussion of pollution prevention may also be appropriate in an EA. While an EA is designed to be a brief discussion of the environmental impacts of a particular proposal, the preparer could also include suitable pollution prevention techniques as a means to lessen any adverse impacts identified. See 40 CFR § 1508.9. Pollution prevention measures which contribute to an agency's finding of no significant impact must be carried out by the agency or made part of a permit or funding determination.

— Federal Register Notice 58 FR 6478, January 12, 1993

ASTM Issues Standard Guidance for Phase II Environmental Site Assessments

The American Society for Testing and Materials (ASTM) has published guidance for conducting Phase II environmental site assessments (ESAs). This new guidance is contained in ASTM E 1903-97, "Standard Guide For Environmental Site Assessments: Phase II Environmental Site Assessment Process," February 1998. The guide is intended to provide practical procedural guidance for assessing the recognized environmental conditions (RECs) identified in a Phase I ESA or Transaction Screen Process for the purpose of establishing the innocent purchaser defense under the Comprehensive Environmental Compensation and Liability Act (CERCLA) or to support business decisions about the property.

The environmental professional conducting a Phase II ESA is allowed flexibility in designing a site assessment that will meet goals specific to the property in question. To allow such flexibility, ASTM designed the new Phase II guidance as a Standard Guide, in contrast to Phase I guidance, which is published as a Standard Practice. According to ASTM, a "Guide" is a compendium of information or a series of options that does not recommend a specific course of action. A guide increases the awareness of information and approaches in a given subject area. A "Practice" is a definitive set of instructions for performing one or more specific operations that does not produce a test result.

As a Guide, the Phase II guidance allows scopes of work to be tailored to each unique site and set of circumstances. Sampling regimes can be designed to test for the presence of suspected hazardous materials and petroleum products identified in a Phase I ESA even when a spill or release has not occurred. For instance, many older buildings contain various forms of asbestos, which can only be visually identified during a Phase I ESA. Although there may not have been a release, the user may wish to confirm the presence of asbestos in the Phase II ESA in order to aide in making informed business decisions about the property.

The Phase II guidance provides information that allows the user to obtain a product that is useable in the decisionmaking process. Included in the guide are sections on developing scopes of work to satisfy individual project needs, common assessment activities such as sampling, interpretation of results, and recommended report preparation procedures. The guide also provides a sample table of contents and report format. ASTM stresses, however, that recommendations, lists, methods, and other information in the Phase II guide are not meant to be exhaustive or final, but subject to change according to each user's assessment needs.

Contact NEPA Call-In at (202) 208-6228 for additional information on the ESA process. NEPA Call-In can also assist in developing scopes of work for Phase I or Phase II ESAs, as well as performing a technical review of Phase I/Phase II ESA reports.

Interesting Technical Inquiries (TIs)

NEPA Call-In recently answered several inquiries on the subject of floodplain management. In Technical Inquiry 234, "Floodplain Management Services Program," NEPA Call-In was asked to research the Army Corps of Engineers (ACE) Floodplain Management Services Program (FPMS) and find out how GSA decisionmakers can make use of such a program. After contacting Headquarters and ACE, NEPA Call-In discovered Federal agencies can take advantage of the many floodplain management services offered by this program. Common services performed by ACE under this program include the following studies:

- Floodplain Delineations/Flood Hazard Evaluation
- Dam Break Analysis
- Hurricane Evacuation
- Flood Warning/Preparedness
- Regulatory Floodway
- Comprehensive Floodplain Management
- Flood Damage Reduction
- Stormwater Management
- Flood Proofing
- Inventory of Flood Prone Structures.

Federal agencies are required to reimburse the ACE for the cost of such studies, which are assessed by the individual ACE district performing the study and based on the length and complexity of each study. Often the ACE has its own time frames for performing studies or may be back-logged with work. Therefore, it is important to establish deadlines up front and to consult with the ACE early in the planning stages in order to minimize project delay. For more information on this program, contact your local ACE FPMS Manager. NEPA Call-In has an up-to-date telephone list of ACE district FPMS managers.

NEPA Call-In then was asked to research whether private firms exist that could provide simple "in-out" floodplain determinations in a short amount of time for any given property. Determining if property is within or outside the 100-year floodplain is the first step in complying with Executive Order 11988, "Floodplain Management." In Technical Inquiry 272 and 298, NEPA Call-In located firms that provide such services within a fast turnaround time and put these firms to the test. For a small fee, they were able to locate a property on the most recent Flood Insurance Rate Map and determine whether the property is in or out of the 100-year floodplain or 500-year floodplain for critical actions. One of the companies was also able to establish an approximate distance the property was from the floodplain boundary.

The Federal Emergency Management Agency (FEMA) cautions that Federal agency decisionmakers are responsible for formulating their own determinations when considering floodplains for the purpose of complying with EO 11988. Therefore, information obtained from private floodplain determination firms should not be the only source of data used in the floodplain decisionmaking process, but must be cross-referenced with other sources such as local, city, or State planning, water, or natural resource offices, ACE, or FEMA. The NEPA Call-In user who initiated this inquiry was satisfied with the results he obtained and would like to take advantage of services like this for future GSA floodplain management issues. The user also stated that the small cost involved makes the use of such services cost effective since maintaining an up-to-date library of Flood Insurance Rate Maps for all states in a region would require too much time and money. Also, Flood Insurance Rate Maps can be obtained from these companies in as little as two days, whereas ordering maps from FEMA could take weeks. For more information on how to use these firms, contact NEPA Call-In at (202) 208-6228.

TI 287 — Canadian EA Regulations

NEPA Call-In recently received a request for information on the Canadian equivalent to NEPA regulations. The NEPA Call-In customer was responsible for a proposed border station action along the United States/Canadian border for which the United States will perform NEPA and equivalent analysis for both sides of the border. In order to comply with all applicable regulations, the customer requested a copy of the Canadian equivalent to NEPA. NEPA Call-In determined that the Canadian equivalent to NEPA is the Canadian Environmental Assessment Act (CEAA).

NEPA Call-In searched the world wide web and found the Canadian Environmental Assessment Agency home page (http://www.ceaa.gc.ca:80/). This Internet site provides guidance on implementing the CEAA and contains links to the Act itself and associated regulations. NEPA Call-In faxed to the customer a summary of the CEAA; the Canadian Environmental Assessment Agency Staff Directory; CEAA and Regulations Table of Contents; CEAA Regulations—Introduction; and Highlights of the CEAA.

We then contacted Mr. Colin Kingman, Public Works Canada at (604) 775-6842, for further information on CEAA. Mr.

Kingman stated CEAA governs Environmental Impact Analysis (EIA) in Canada. Mr. Kingman further stated an action such as a border crossing probably only requires an environmental "screening" (Environmental Assessment under NEPA), as opposed to a "comprehensive study" (Environmental Impact Statement (EIS) under NEPA) and that his office is the reviewing authority of documents prepared according to CEAA.

TI 295 – EA, U.S./Canada Border Crossing

NEPA Call-In recently received a request for guidance on procedures to prepare an Environmental Assessment (EA) under the NEPA for a border crossing station along the U.S./Canadian border. The Canadian government has requested an animal inspection station be built on U.S. soil at the border crossing, which will be staffed by Canadian personnel. The action is to be funded by the Canadian government. The customer, a GSA contractor, wanted to know if GSA must complete a separate EA for the proposed action to satisfy the Canadian procedures that are equivalent to NEPA, in addition to the EA being prepared under NEPA. The customer also wanted to know if they must accept any comments received on the EA, which stem from public controversy surrounding the proposed action.

Summary of Findings. NEPA Call-In determined GSA must consider the transboundary impacts of its proposed action in the NEPA analysis process according to Council on Environmental Quality (CEQ) guidance. It was determined that a Memorandum of Agreement (MOA) between GSA and the appropriate Canadian agency should be developed, which would allow the NEPA EA to be used to satisfy Canadian requirements under the CEAA. GSA does not have to incorporate all public comments received on the draft EA as long as the final EA addresses all comments with an explanation for why each was or was not accepted. If public controversy or indicators of significance so indicate, preparation of an EIS may be warranted.

Detailed Findings. NEPA Call-In reviewed the CEQ memorandum, "Memorandum to heads of agencies on the application of the National Environmental Policy Act to proposed federal actions in the United States with transboundary effects," July 1, 1997. This memorandum directs federal agencies to follow CEQ guidance on considering transboundary effects of federal actions in NEPA analyses.

We then reviewed the CEQ document, "CEQ guidance on NEPA analyses for transboundary impacts," July 1, 1997. The conclusion of this guidance is: "NEPA requires agencies to include analysis of reasonably foreseeable transboundary effects of proposed actions in their analyses of proposed actions in the United States. Such effects are best identified during the scoping stage, and should be analyzed to the best of the agency's ability using reasonably available information. Such analysis should be included in the EA or EIS prepared for the proposed action."

NEPA Call-In then set up a conference telephone call with a GSA Environmental Quality Advisory Group (EQAG) member, who has experience with border crossing issues. As a result of this conference call, it was determined that GSA should develop a MOA with the appropriate Canadian agencies such as the Canadian Environmental Assessment Agency and Canada's Public Works Department. The MOA will allow information from the NEPA EA to be used to satisfy Canada's CEAA requirements for public review and will outline procedures for doing so.

Regarding the customer's question as to whether GSA must accept comments that stem from public controversy, NEPA Call-In reviewed the CEQ NEPA regulations contained in Title 40 Code of Regulations (CFR) Parts 1500-1508 for information on responding to comments. Title 40 CFR Part 1503.4, "Response to Comments," states:

"(a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

(1) Modify alternatives including the proposed action.
(2) Develop and evaluate alternatives not previously given serious consideration by the agency.
(3) Supplement, improve, or modify its analyses.
(4) Make factual corrections.
(5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

(b) All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement.

(c) If changes in response to comments are minor and are confined to the responses described in paragraphs (a)(4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and

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the changes, and not the final statement, need be circulated. The entire document with a new cover sheet shall be filed as the final statement."

Although the above regulations only specifically mention their application to EISs, NEPA Call-In suggests applying them to EAs as well.

NEPA Call-In then reviewed GSA guidance on public controversy in the PBS NEPA Desk Guide, Interim Guidance, September 1997. Section 6.6.2, "Consultation and Public Involvement," states, "In rare cases organized workshops, facilitated meetings, and mediation may be appropriate, but if such elaborate forms of involvement become necessary, this may be a strong indicator that the action is controversial enough on environmental grounds to merit preparation of an EIS."

We then reviewed Section 3.5, "Indicators of Significance," of the Desk Guide, which lists factors to consider when conducting EA scoping, and to determine whether an EIS is needed. Indicators of Significance should be considered as part of an EA and the responsible GSA administrator should use judgment to determine the extent that any of these factors apply to the action. Section 3.5.1.2, "Consistency With Existing and Desired Local Conditions" asks whether the action could be considered a burden on infrastructure (e.g., sewer, water, utilities, street system, public transit) by local or regional officials. Section 3.5.1.6, "Controversy, Uncertainty, Risks," asks whether the action could generate controversy on environmental grounds, or whether the action has effects on the human environment that are highly uncertain or involve unique or unknown risks. Section 3.5.1.7, "Cumulative and Precedential," asks whether the action establishes a precedent or represents a decision in principle that could lead to future actions with significant environmental effects. Finally, Section 3.5.1.8, "Other," asks whether the action could affect public health and safety in any other ways not specifically listed above. Preparation of an EIS may be considered, depending on the extent to which the above and other indicators of significance apply to the proposed action. We also provided the customer with the NEPA Call-In Factsheet, "Public Participation Under NEPA," February 1998, located on the web (http://www.gsa.gov/pbs/pt/call-in/nepa.htm), for further guidance on public participation and controversy.

TI 223 – Number of Alternatives in Final EIS

NEPA Call-In recently received a request for guidance on implementing the CEQ's NEPA regulations contained in Title 40 Code of Federal Regulations (CFR) Parts 1500-1508. The customer was preparing an EIS and wanted to know if identifying two preferred alternatives in the Final EIS is consistent with NEPA. In the Draft EIS agencies may identify more than one preferred alternative to a proposed action, or no alternative at all if none exists. The customer wanted to know whether GSA would identify more than one preferred alternative in the Final EIS, or whether, by a process of elimination, the list of preferred alternatives should be narrowed down to one.

Summary of Findings. CEQ guidance states there is a presumption of a preferred alternative, which must be identified in the Final EIS. GSA Regional Counsel and General Counsel at National Office, and the CEQ agree that only one preferred alternative should be identified in a Final EIS. Our detailed findings are presented below.

Detailed Findings. NEPA Call-In reviewed Title 40 CFR Part 1502.14(e), "Alternatives including the proposed action." This section of the NEPA regulations states agencies shall, "[i]dentify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference." If an agency does not yet have a preferred alternative by the time a Draft EIS is published, the regulations do not require one to be identified at this stage of the NEPA process. Additionally, Part 1502.14(e) allows for the identification of more than one preferred alternative if one or more exist at the time the Draft EIS is published. The regulations do not provide clear guidance on the issue of multiple preferred alternatives in a Final EIS, however.

We then reviewed guidance on this issue from the CEQ in the document titled, "Forty most frequently asked questions concerning CEQ's National Environmental Policy Act regulations," Federal Register 46-55, March 23, 1981. Question 4b asks, "Does the preferred alternative have to be identified in the Draft EIS and the Final EIS or just in the Final EIS?" The CEQ's answer, referring to 40 CFR Part 1502.14(e), states "[t]his means that if the agency has a preferred alternative at the Draft EIS stage, that alternative must be labeled or identified as such in the Draft EIS. If the responsible federal official in fact has no preferred alternative at the Draft EIS stage, a preferred alternative

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need not be identified there. By the time the Final EIS is filed, Section 1502.14(e) presumes the existence of a preferred alternative and requires its identification in the Final EIS unless another law prohibits the expression of such a preference." In the last sentence of the response, the CEQ states that the NEPA regulations presume the existence of a preferred alternative for the Final EIS, and it must be identified as such.

We then contacted GSA Regional Counsel, who stated the intent of the regulations is to use the Final EIS as an opportunity to narrow down the agency's list of preferred alternatives. It was their opinion only one preferred alternative should be identified at this stage in the NEPA process. The Regional Counsel expressed the following concerns with listing multiple preferred alternatives in a Final EIS:

(1) Identifying more than one preferred alternative in the Final EIS could lead to a document which is larger than necessary;

(2) Since listing multiple preferred alternatives is not the norm, such procedures could be called into question by interested parties; and

(3) Using the Record of Decision (ROD) as a tool to eliminate alternatives and state what the decision was could lead to a complicated and unnecessarily large document.

We also contacted GSA General Counsel to determine their opinion regarding inquiry. GSA stated that identifying more than one preferred alternative in a Final EIS may not be consistent with the intent of NEPA, and agrees with the position of Regional Counsel. Finally, NEPA Call-In contacted the CEQ, who stated that failure to identify one preferred alternative in the Final EIS would be equivalent to an agency not disclosing its intentions.

TI 285 — Procedures to Withdraw a ROD

NEPA Call-In recently received a request for guidance on procedures to withdraw a ROD, which was issued under NEPA. The customer stated GSA would like to adopt a different alternative than was identified in the ROD due to legal complications with the original alternative chosen for the proposed action in question. The new preferred alternative for the proposed action was analyzed in the Final EIS, which found the proposed action may affect an historic structure if this alternative were chosen. The customer was planning to conduct additional studies under Section 106 of the National Historic Preservation Act (NHPA) for the new preferred alternative and wanted to know the procedures for withdrawing a ROD, and whether a supplement to the FEIS must be prepared.

Summary of Findings. A notice of GSA's intent to withdraw the ROD should be issued to prevent information gaps in the administrative record for the proposed action and to keep the public and interested parties informed. A supplement to the original EIS should be prepared in draft and final form to include any new information about the proposed action obtained through additional studies, such as Section 106 review. The supplements should be prepared and circulated for public review in the same manner as the original EIS documents. A new ROD must then be prepared and circulated.

Detailed Findings. NEPA Call-In reviewed CEQ regulations in Title 40 CFR. Parts 1500-1508. No specific information discussing the proper procedures to withdraw a ROD was found. However, Title 40 CFR 1506.6, "Public Involvement," states that agencies shall "[p]rovide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected." This section also includes recommended methods for publicizing the availability of NEPA documents.

We then reviewed the CEQ document, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," and the PBS NEPA Desk Guide, Interim Guidance, September 1997. Neither document contained information on the procedures to withdraw a ROD.

NEPA Call-In then contacted an advisor for Cultural Resource Compliance at the GSA National Office for information about withdrawing NEPA documents. The advisor stated since the proposed action is being altered rather than terminated, the ROD which was originally issued should be withdrawn to prevent a gap of important information in the project files. The advisor further stated the notice of withdrawal should state why the original alternative to the proposed action is not being adopted and that a supplement to the EIS will be prepared for the new preferred alternative. These documents should be circulated according to Title 40 CFR 1506.6, and in the same manner the original NEPA documents were circulated to the public and interested or affected parties. NEPA Call-In searched Federal Register Notices for 1995 through 1997 to locate a copy of a notice that could be used as a model to withdraw a NEPA document. We found Federal Register Notice, Volume 61, Number 213, November 1,

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1996, published by the Department of Energy. This notice was published for the purpose of "Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement," which was provided to the customer.

NEPA Call-In then reviewed the NEPA Desk Guide, Chapter 8, "Supplements and Revisions to NEPA Documents." Section 8.1, "Purpose," states, "[t]o maintain flexibility in the face of changing circumstances, and to eliminate redundancy in its NEPA process, GSA is allowed by the CEQ regulations to revise and issue supplements to NEPA documents." Section 8.3, "When to Revise; When to Supplement," refers to Title 40 CFR 1502.9, "Draft, Final, and Supplemental Statements." Title 40 CFR 1502.9(c) states agencies:

"(1) Shall prepare supplements to either draft or final environmental impact statements if:

(i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or

(ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

(2) May also prepare supplements when the agency determines that the purposes of [NEPA] will be furthered by doing so.

(3) Shall adopt procedures for introducing a supplement into its formal administrative record, if such a record exists (see NEPA Desk Guide, Chapter 8).

(4) Shall prepare, circulate, and file a supplement to a statement in the same fashion (exclusive of scoping) as a draft and final statement unless alternative procedures are approved by the [Council on Environmental Quality]."

Since GSA would like to adopt a different alternative than was identified in the ROD, and additional studies will be performed to analyze GSA's new preferred alternative, a supplement to the EIS may be required. According to Title 40 CFR 1502.9, as cited above, new circumstances and new information relevant to environmental concerns warrants preparation of a supplement to the EIS if GSA determines the new circumstances and information are significant.

NEPA Call-In then reviewed NEPA Desk Guide, Section 8.7, "Requirements for Environmental Analysis: Supplements." This section states: "[s]upplemental NEPA documents have the same requirements for interdisciplinary analysis and preparation, adequacy and integrity of information, treatment of unavailable or incomplete information, and conciseness and plain language as the documents they supplement. See Chapters 5, 6, and 7 of the Desk Guide for more information."

Since the customer stated the new preferred alternative site for the proposed action contains a historic structure, the NHPA Section 106 consultation process should be integrated into the supplement to the EIS. According to Title 40 CFR 1502.25, "Environmental Review and Consultation requirements," agencies must, to the fullest extent possible "[p]repare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other environmental review laws and executive orders."

The customer must also provide the appropriate amount of time for public review of the Draft and Final Supplemental EIS according to Title 40 CFR 1506.10, "Timing of Agency Action." Finally, a new ROD must be prepared and circulated before implementing the new proposed action.

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